



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

1200 Sixth Avenue, Suite 900
Seattle, Washington 98101-3140

JUL 28 2016

OFFICE OF
COMPLIANCE AND ENFORCEMENT

Reply to: OCE-101

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

NOTICE OF VIOLATION

The Honorable Paul Loomis
Mayor, City of Blackfoot
157 North Broadway Street
Blackfoot, Idaho 83221

Re: City of Blackfoot WWTP
NPDES Permit Number ID-002004-4

Dear Mayor Loomis:

On June 26, 2013, the U.S. Environmental Protection Agency (EPA) issued a National Pollutant Discharge Elimination System (NPDES) permit to the City of Blackfoot, Idaho ("City") for its wastewater treatment plant ("Facility"), NPDES Permit Number ID-002004-4 ("Permit"). The Permit became effective on September 1, 2013, and will expire on August 31, 2018. The purpose of the inspection, conducted by EPA on April 20, 2016, was to determine the City's compliance with the requirements of the Clean Water Act (CWA) and the NPDES Permit. The purpose of this letter is to notify you of violations EPA discovered upon review of administrative files, including the Discharge Monitoring Reports (DMRs) submitted by the City, and in response to the Facility inspection. I would like to express my appreciation for your staff's time and cooperation during the inspection.

ADMINISTRATIVE FILE REVIEW

1. EPA reviewed DMRs from June 2011 through July 2016 and identified effluent limitation exceedances that constitute 573 violations of the CWA, 33 U.S.C. § 1251 *et seq.* A list of these violations is enclosed (Enclosure A).
2. Part III.B of the Permit states, in part, "The permittee must either submit monitoring data and other reports in paper form, or must report electronically using NetDMR, a web-based tool that allows permittees to electronically submit DMRs and other required reports via a secure internet connection."

Upon review of DMRs from June 2011 through July 2016, EPA discovered that the Facility submitted the DMR for the April 2016 reporting period late. The DMR was due by May 10, 2016, but EPA did not receive the report until June 14, 2016. Failure to submit DMRs on time is a violation of Part II.B of the Permit.

APRIL 2016 INSPECTION

1. Part I.B, Table 1 of the Permit shows that the "Monitoring Requirements" for the following pollutants; BOD5, total suspended solids, total ammonia, and total phosphorus, requires a "24-hour composite" sample type.

Part VI.33 of the Permit defines a “24-hour composite” as a sample with a combination of not fewer than eight discrete sample aliquots. Each aliquot shall be a grab sample of not less than 100 milliliters, collected over periodic intervals from the same location, during the operating hours of a facility over a 24-hour period. The composite must be flow proportional.

Part III.A of the Permit states, in part, “Samples and measurements must be representative of the volume and nature of the monitored discharge.”

Part III.C of the Permit states, “Monitoring must be conducted according to test procedures approved under 40 CFR 136, unless another method is required under 40 CFR subchapters N or O, or other test procedures have been specified in this permit or approved by EPA as an alternate test procedure under 40 CFR 136.5.”

Part IV.A of the Permit states, “The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action, for permit termination, revocation and reissuance, or modification, or for denial of a permit renewal application.”

At the time of the inspection, the Facility representative told the inspector that the Facility does not collect flow proportional effluent composite samples because the effluent flow recorder is not connected to the effluent composite sampler. Failure to collect flow proportional composite samples are violations of the monitoring requirements shown in Table 1 of Part I.B, as well as, Parts III.A, III.C, and IV.A of the Permit.

2. Part III.G.1 of the Permit states, in part, “The permittee must report the following occurrences of noncompliance by telephone within 24 hours from the time the permittee becomes aware of the circumstances: any violation of an instantaneous maximum discharge limitation *E. coli* and ammonia, as indicated in Table 1 of Part I.B. ”

Part III.G.2 of the Permit states, in part, “The permittee must also provide a written submission within five days of the time that the permittee becomes aware of any event required to be reported under subpart 1, above.”

Part IV.A of the Permit states, “The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action, for permit termination, revocation and reissuance, or modification, or for denial of a permit renewal application.”

At the time of the inspection, the Facility representative informed the inspector that the Facility does not call in to report permit limit violations. The Facility has exceeded the permit limit for *E. coli* six times since June 2011. EPA reviewed the Facility’s files and did not find any written notification of the exceedances. Failure to file a telephonic report of an instant or daily maximum permit limit exceedance within 24-hours of discovery and failure to provide a written submission within 5-days of the telephonic notification are violations of Parts III.G.1 and III.G.2, respectively, and Part IV.A.

3. Part III.C of the Permit states, in part, “The permittee must develop a quality assurance plan (QAP) for all monitoring required by this permit.”

At the time of the inspection, the Facility had in place a “Quality Assurance Project Plan – A One-time Sampling Program in Support of a Local Limits Evaluation” which was signed on July 15, 2013. The inspector asked Ms. Jessica Barnes, the laboratory manager, if an updated QAP had been

developed and implemented. Ms. Barnes said that she was in the process of writing updated standard operating procedures (SOPs) for all requirements but they were still in draft phase. An updated QAP for all monitoring requirements listed in the Permit was not in place at the time of the inspection. Failure to develop and implement a QAP is a violation of Part III.C of the Permit.

4. Part II.D.1 of the Permit states, in part, "The permittee must develop and implement an overflow emergency response and public notification plan that identifies measures to protect public health from overflows that may endanger health and unanticipated bypasses or upsets that exceed any effluent limitation in the permit."

At the time of the inspection, the inspector inquired about the Emergency Response and Public Notification Plan (ERPMP). The Facility representative said they did not have a written ERPMP. Failure to develop and implement an ERPMP is a violation of Part II.D.1 of the Permit.

5. Part II.B.2 of the Permit states, "The permittee shall develop a description of pollution prevention measures and controls appropriate for the facility. The appropriateness and priorities of controls in the plan shall reflect identified potential sources of pollutants at the facility. The description of Best Management Practices (BMPs) shall address, to the extent practicable, the following minimum components: spill prevention and control; optimization of chemical usage; preventive maintenance program; minimization of pollutant inputs from industrial users; research, development, and implementation of a public information and education program to control the introduction of household hazardous materials to the sewer system; and water conservation."

At the time of the inspection, the inspector asked the Facility representative if the Facility had developed a written description of BMPs related to public information and education or water conservation. The Facility representative said the Facility gives tours of the WWTP to elementary school students but they did not have a written description of the required BMPs. Failure to develop a description of pollution prevention measures and controls appropriate for the facility is a violation of Part II.B.2 of the Permit.

6. Part IV.E of the Permit states, "The permittee must at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by the permittee only when the operation is necessary to achieve compliance with the conditions of the permit."

At the time of the inspection, the inspector found the Facility was not properly operating or maintaining the following treatment plant components:

- a. Secondary Digester – The floating dome lid, which had been removed for maintenance approximately three years ago, was still awaiting funding so it could be reinstalled. As a result, gas was not collected and the waste gas burner was not in use.
- b. Biosolids Staging Area – The Facility uses the staging area to store biosolids prior to removal for land application. At the time of inspection, the staging area was uncovered and had been full, according to the Facility representative, for about four months.
- c. Effluent Flow Meter – The effluent flow recording equipment was not connected to the effluent composite sampler. Therefore, the Facility was not

operating the flow meter in a way that would allow it to collect flow proportional effluent composite samples in accordance with the permit.

- d. Lab Equipment Thermometer Calibration – Ms. Barnes told the inspector that the Facility plans to conduct monthly temperature checks in the future, but there was no procedure in place for thermometer calibration at the time of the inspection.

Failure to properly operate and maintain the treatment plant equipment, as shown by items a – d, are violations of Part IV.E of the Permit.

AREA OF CONCERN

Part III.B of the Permit states, in part, “The permittee must either submit monitoring data and other reports in paper form, or must report electronically using NetDMR, a web-based tool that allows permittees to electronically submit DMRs and other required reports via a secure internet connection.”

Part V.E.4 of the Permit states, in part, “Any person signing a document under this Part must make the following certification:

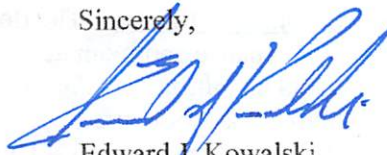
I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete.”

At the time of the inspection, the inspector noted that, in several instances, the *E. coli* value reported on the DMRs was 1600/100mL. This measurement represents the maximum quantifiable value of the analytical method used and not a specific measurement. Reporting the maximum quantifiable value is not ensuring that the information is “true, accurate, and complete.” The Facility was advised to use the “<” or “>” symbols on the DMRs when the values are not representative of an exact measurement. An approved alternate analysis method might give results that are more accurate.

Although our goal is to ensure NPDES facilities comply fully with their permits, the ultimate responsibility rests with the permittee. As such, I want to strongly encourage you to continue your efforts to maintain full knowledge of the Permit requirements, and other appropriate statutes, and to respond appropriately to ensure compliance. Notwithstanding your response to this letter, EPA retains all rights to pursue enforcement actions to address these and any other violations.

I have enclosed a copy of the inspection report (Enclosure B). If you have any questions concerning this matter, please call Raymond Andrews of my staff at (206) 553-4252.

Sincerely,



Edward J. Kowalski
Director

Enclosures

cc: Mr. Stephen Berry
Idaho Department of Environmental Quality
stephen.berry@deq.idaho.gov

Mr. Bruce Olenick
IDEQ, Pocatello Regional Office
bruce.olenick@deq.idaho.gov

Mr. Rex Moffat
WWTP Superintendent, City of Blackfoot
rexm@cityofblackfoot.org